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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/438,436	11/12/1999	JEFFREY MARK ACHTERMANN	AT9-99-655	9315

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EXAMINER	
TODD, GREGORY G	
ART UNIT	PAPER NUMBER
2157	6

DATE MAILED: 03/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/438,436	ACHTERMANN ET AL.	
	Examiner	Art Unit	
	Gregory G Todd	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 January 2002* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Response to Amendment

This is a second office action in response to applicant's amendment filed, 13 January 2003, of application filed, with the above serial number, on 12 November 1999 in which claims 2, 13, 23, 24, and 30 have been amended and claims 1, 3-12, 14-22, 25-29, and 31-33 have been unaltered. Claims 1-33 are therefore pending in the application.

Drawings

1. The proposed drawing correction filed on 13 January 2003 has been disapproved because it is not in the form of a pen-and-ink sketch showing changes in red ink or with the changes otherwise highlighted. See MPEP § 608.02(v). Regarding Fig. 3A, the applicant has not highlighted the changing of reference (300) to indicate the entire thread as a whole.

The previous objection to reference (385) pointing to (300) in Fig. 3D has therefore been withdrawn for the reason stated above.

2. The drawings are again objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "306" has been used to designate multiple references in Fig. 3A and Fig. 4. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

In Fig. 3A, conditional step 304 continues to 306 if false, and 306 if true. Further, conditional step 312 continues to step 306, located in Fig. 4. Fig. 4 does not continue on

after the thread is over and therefore it is not disclosed in the drawings what continues after step 440 and 450.

Specification

3. The disclosure is objected to because of the following informalities: The content of the specification is to include a Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.

Appropriate correction is required.

The applicant is kindly directed towards the requirement of a brief description of Fig. 3D to be included.

4. The amended abstract is approved by the examiner.

Claim Objections

5. Claims 6, 17, and 28 are objected to because of the following informalities: The *value* of the job state is synonymous with a number, whereas the specification refers to the *value* as being "WAITING", "UNREACHABLE", etc. This terminology can be misleading and could further limit the claims.

Claim Rejections - 35 USC § 112

6. Claims 8, 19, and 30 recite the limitation "said session in response to an error condition" in line 3. There is insufficient antecedent basis for this limitation in the claim.

The claim language reads "retrying said step of...launching said session in response to an error condition." For which there is no antecedent basis. Examiner suggests replacing "session" with --session,-- for clarifying that the three steps together are performed in response to an error condition, as retrying a step requires a step to be performed previously, which is not the case for claim 1.

7. Claims 11, 22, and 33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Performing the steps in response to the callback method is indefinite for the steps are claimed in claim 1 along with claim 8, and therefore it is unclear if retrying the steps is performed or if the steps are done for a first time.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-3, 5, 12-14, 16, 23-25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams (hereinafter "Williams", 6,411,982).

10. As per Claims 1, 12, and 23, Williams discloses a connection scheduling method, wherein Williams discloses:

- determining if a job is available for scheduling (determining if the task request is due to be scheduled) (at least col. 4, lines 60-67);

- determining, in response to said step of determining if said job is available, if a session is available, wherein said session is included in a pool of sessions (threads), said pool of sessions having a preselected one of a set of priority levels corresponding to a priority level of said job and wherein said session effects an execution of said job (In-Service queue entry filling from Priority Ordered queue) (at least col. 2 line 58 - col. 3 line 2; also col. 3, lines 10-26); and

- launching said session to effect said execution of said job, if said session is available (task request completing execution from In-Service queue) (at least col. 3, lines 19-32).

11. As per Claims 2, 13, and 24.

- session comprises a thread (at least col. 1, lines 47-54; col. 4, lines 21-25).

12. As per Claims 3, 14, and 25.

creating a connection to a target system for execution of job (implicitly connecting when requesting a task) (at least Fig. 5; col. 4, lines 21-37).

13. As per Claims 5, 16, and 27.

launching an error handling thread in response to an error condition, the error handling thread releasing said session (discharging request from In-Service queue if exceeding time interval) (at least col. 3, lines 29-37).

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. Claims 4, 6-7, 15, 17-18, 26 and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (hereinafter "Williams", 6,411,982).

16. As per Claims 4, 15, and 26.

Williams does not explicitly disclose determining if connection is an existing connection, and creating the connection is performed if connection is not an existing connection. Official notice has been taken that a connection will be created if it is not already connected. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of creating a connection only when not already connected because it would be redundant to connect while already being connected and to request a task to be done would require being connected.

17. As per Claims 6, 17, and 28.

Williams fails to explicitly disclose changing value of a job state from a first value to a second value in response to said launching of said error handling thread. Official notice has been taken that the "value" of the job state changes when the task is discharged from memory (at least col. 3, lines 29-37). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to implement using a job state value to indicate that the task is "DISCHARGED", "PENDING", etc. because this could enhance visibility of the exact status of the requested task.

18. As per Claims 7, 18, and 29.

the first value signaling that the job is available for scheduling (re-entered into queue when there is no error) (at least col. 3, lines 29-35).

19. Claims 8-9, 19-20, and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Threlkeld (hereinafter "Threlkeld", 6,502,121).

20. As per Claims 8, 19, and 30.

Williams fails to explicitly disclose retrying the steps of determining if a job is available for scheduling, determining if a session is available, and launching said session in response to an error condition. However, the use and advantages for retrying tasks is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Threlkeld (at least Threlkeld col. 8, lines 30-49; Fig. 7A). Threlkeld discloses a job being relaunched due to an error. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Threlkeld's job relaunching into Williams' system because this would allow a task to be completed if it is not completed the first time by relaunching Williams' whole process over again, thereby completing the requested task.

21. As per Claims 9, 20, and 31.

Williams fails to explicitly disclose the step of retrying to be repeated until a predetermined time interval has elapsed. However, the use and advantages for retrying tasks based on elapsed time is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Threlkeld (at least Threlkeld col. 8, lines 30-49; Fig. 7B). Threlkeld discloses relaunching after a delay period after it attempts to relaunch immediately. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Threlkeld's repeated relaunch sequence into Williams's system because this would further allow tasks that could not be completed and relaunched the second time to attempt again at a later time when there might be less network congestion, for example.

22. Claims 10-11, 21-22, and 32-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams in view of Threlkeld and further in view of Hlasnik et al (hereinafter "Hlasnik", 5,925,096).

23. As per Claims 10, 21, and 32.

Williams and Threlkeld fail to explicitly disclose registering a callback method in response to an expiry of a predetermined time interval. However, the use and advantages for responding to a time expiration is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Hlasnik (at least Hlasnik Abstract; col. 6, lines 48-55; col. 6 line 62 - col. 7 line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Hlasnik's responding to an expiry of an elapsed time into

Williams' system because this would allow the client application to perform its function and then return control to Williams' host computer (target system) when the time does expire.

24. As per Claims 11, 22, and 33.

Williams and Threlkeld fail to explicitly disclose the steps of determining if a job is available for scheduling, determining if a session is available, and launching said session being performed in response to an invoking of a callback method by a target system, the target system for execution of said job. However, the use and advantages for a target system responding to an elapsed time expiration is well known to one skilled in the art at the time the invention was made as evidenced by the teachings of Hlasnik (at least Hlasnik Abstract; col. 6, lines 48-55; col. 6 line 62 - col. 7 line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of Hlasnik's responding to an expiry of an elapsed time into Williams' system because this would allow the client application to perform its function and then return control to Williams' host computer (target system) when the time does expire, and thus have the requested task be entered into the thread and be completed.

Response to Arguments

25. Applicant's arguments with respect to claims 1-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Silva et al ('760), Hanif et al, Dixon et al, Herbert et al, Brackett et al, Marshall, Teng, Batra, Behm et al, Davis et al, Murray, Trugman, and Coffman et al and Ross et al are cited for disclosing pertinent information related to the claimed invention.

New prior art Morris et al, Sundararajan, Beaulieu et al, Farrell et al, Bigus, Silva et al ('537), and Zolnowsky are cited for disclosing pertinent information related to the claimed invention. Applicants are requested to consider the prior art reference for relevant teachings when responding to this office action.

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory G Todd whose telephone number is (703)305-5343. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

gt
March 11, 2003

ARIO ETIENNE
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